

Exhibit A

Goldschmidt, James E. (MKE x1663)

From: Catherine White <cwhite@hurleyburish.com>
Sent: Monday, November 30, 2020 5:49 PM
To: Nolan, Patrick S. (MKE x1465); Schott, Donald K. (MAD x2426); Whiting, Christianne - PSC
Cc: Stephen Hurley; Howard Learner; 'rgranneman@elpc.org'
Subject: RE: Driftless Area Land Conservancy et al v. Huebsch, Michael et al - W.D. Wis. Case 3:19-cv-01007-wmc [QBLLP-ACTIVE.FID41293826]

Mr. Nolan and Mr. Schott,

Our view remains the same as it was last Wednesday. We will not treat all of the documents produced by defendants as confidential. But we will, of course, treat as confidential the documents that defendants designated as such---unless and until we dispute those designations and the court issues an order in our favor. We will alert you both if we intend to file such a motion.

Catie

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From: Nolan, Patrick S. <Patrick.Nolan@quarles.com>
Sent: Monday, November 30, 2020 8:43 AM
To: Schott, Donald K. <don.schott@quarles.com>; Catherine White <cwhite@hurleyburish.com>; Whiting, Christianne - PSC <christianne.whiting@wisconsin.gov>; 'rgranneman@elpc.org' <rgranneman@elpc.org>
Cc: Stephen Hurley <shurley@hurleyburish.com>; Howard Learner <HLearner@elpc.org>
Subject: RE: Driftless Area Land Conservancy et al v. Huebsch, Michael et al - W.D. Wis. Case 3:19-cv-01007-wmc [QBLLP-ACTIVE.FID41293826]

Dear Ms. White,

On behalf of WEC, we agree with Mr. Schott's point below that Judge Crocker has not yet decided WEC's intervention motion nor may it be before him. As such, WEC may still be allowed input in how the production is treated. WEC would therefore request, notwithstanding that the documents at issue have been produced, Plaintiffs continue to treat them all as confidential until WEC has decided whether to seek confidential treatment of any additional parts of the production.

We would appreciate both your courtesy and anticipated cooperation in this regard.

Very truly yours,

Patrick S. Nolan



Patrick Nolan / Partner

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From: Schott, Donald K. (MAD x2426) <don.schott@quarles.com>

Sent: Friday, November 27, 2020 12:22 PM

To: Catherine White <cwhite@hurleyburish.com>; Whiting, Christianne - PSC <christianne.whiting@wisconsin.gov>; Nolan, Patrick S. (MKE x1465) <Patrick.Nolan@quarles.com>; 'rgranneman@elpc.org' <rgranneman@elpc.org>

Cc: Stephen Hurley <shurley@hurleyburish.com>; Howard Learner <HLearner@elpc.org>

Subject: RE: Driftless Area Land Conservancy et al v. Huebsch, Michael et al - W.D. Wis. Case 3:19-cv-01007-wmc [QBLLP-ACTIVE.FID41293826]

Ms. White:

I disagree with your conclusion that Judge Crocker's recent order should be interpreted to mean that he effectively denied Q&B's motion for limited intervention and concluded that Q&B has no interest worthy of protection. In my experience, that would be quite unlike Judge Crocker. I think a more likely explanation for Judge Crocker's silence on our motion to intervene is that it was not assigned to him, but rather to Judge Conley.

In any event, we understand that the documents in question have now been disclosed to Plaintiffs, with some of them marked Confidential pursuant to the protective order. If Plaintiffs intend to dispute those confidentiality designations please let me know as soon as possible so that I can seek clarification from the court regarding the status of our motion for limited intervention.

Don



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From: Catherine White <cwhite@hurleyburish.com>

Sent: Wednesday, November 25, 2020 3:57 PM

To: Whiting, Christianne - PSC <christianne.whiting@wisconsin.gov>; Nolan, Patrick S. (MKE x1465)

<Patrick.Nolan@quarles.com>; 'rgranneman@elpc.org' <rgranneman@elpc.org>

Cc: Schott, Donald K. (MAD x2426) <don.schott@quarles.com>; Stephen Hurley <shurley@hurleyburish.com>; Howard Learner <H.Learner@elpc.org>

Subject: RE: Driftless Area Land Conservancy et al v. Huebsch, Michael et al - W.D. Wis. Case 3:19-cv-01007-wmc [QBLLP-ACTIVE.FID41307878]

Hi all,

Rachel's out of the office today, so you get me instead. Plaintiffs' read of Judge Crocker's order is that he meant what he said: He reviewed all of the documents at dkt. 110-1, and "all of these documents must be disclosed." Dkt. 160, at 7. The motions to intervene were fully briefed and pending before the Court when Judge Crocker reviewed the documents at issue and made his ruling. If Judge Crocker thought that WEC's or QB's interests required protection, he would have said so.

As Judge Crocker noted in his order, defendants may designate specific documents as confidential, if any truly qualify as confidential under the terms of the protective order. (Judge Crocker hinted that he thought "a few," at most, might qualify.) Plaintiffs see no reason for further delay.

Catie

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From: Whiting, Christianne - PSC <christianne.whiting@wisconsin.gov>
Sent: Wednesday, November 25, 2020 3:09 PM
To: 'Nolan, Patrick S.' <Patrick.Nolan@quarles.com>; 'rgranneman@elpc.org' <rgranneman@elpc.org>; Catherine White <cwhite@hurleyburish.com>
Cc: 'Schott, Donald K.' <don.schott@quarles.com>
Subject: RE: Driftless Area Land Conservancy et al v. Huebsch, Michael et al - W.D. Wis. Case 3:19-cv-01007-wmc [QBLLP-ACTIVE.FID41307878]

Rachel,

What is plaintiffs' position on this issue?

-Christi

Christi Whiting
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From: Nolan, Patrick S. <Patrick.Nolan@quarles.com>
Sent: Wednesday, November 25, 2020 2:35 PM
To: rgranneman@elpc.org; cwhite@hurleyburish.com; Whiting, Christianne - PSC <christianne.whiting@wisconsin.gov>
Cc: Schott, Donald K. <don.schott@quarles.com>
Subject: Driftless Area Land Conservancy et al v. Huebsch, Michael et al - W.D. Wis. Case 3:19-cv-01007-wmc [QBLLP-ACTIVE.FID41307878]

Dear Ms. Granneman, White and Whiting:

I am writing on behalf of proposed intervenor, WEC, in the above matter. Don Schott, on behalf of proposed intervenor Quarles & Brady LLP is unavailable at this time but joins in this email request.

WEC and Quarles understand that Plaintiffs are taking the position pursuant to Judge Crocker's discovery Order, dated November 23, 2020, that the Commission must produce documents previously submitted *ex parte* to the Court by today. As you know, WEC and Quarles have various potential interests in reviewing the subject documents and have asked the Court for an opportunity to object or limit their production. To that end, WEC and Quarles have filed pending motions to intervene that the Court has not yet decided. In response to these motions, Plaintiffs acknowledged that the proposed intervenors have a right to weigh in on the confidentiality of the production at issue.

Accordingly, on behalf of WEC and Quarles, we are asking that the Commission delay the production of these documents to allow WEC and Quarles' intervention motions to be decided and, if the motions are granted, to permit the proposed intervenors to be heard on this production.

Alternatively, the proposed intervenors ask that all subject documents be produced confidentially and remain subject to confidential treatment until such time as the intervention motions are decided and the parties can be heard on potential confidentiality concerns. WEC and Quarles do not believe such an approach prejudices Plaintiffs while at the same time protects any confidentiality concerns that may exist with the production.

Thank you for your consideration of this request and we look forward to your response.

Very Truly Yours,

Patrick S. Nolan



Patrick Nolan / Partner

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